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22342 7590 08/21/2009 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
TRUVAN, LEYNN A THANH				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/616,379

**Applicant(s)**

KLEBE, SKOTT C.

**Examiner**

Leynna T. Truvan

**Art Unit**

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-30 are pending.
2. Claims 1-30 was previously rejected under 112, 1<sup>st</sup> paragraph, are now withdrawn as applicant has amended the claims accordingly.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 11, and 21 recites the limitation " the third party search engine " in the last line. There is insufficient antecedent basis for this limitation in the claim.

### ***Response to Arguments***

4. Applicant's arguments filed 2/15/08 have been fully considered but they are not persuasive.

As per argument on pg.9-10, regarding the 112, 1<sup>st</sup> paragraph rejection is now moot as the limitation has been deleted in the current amendment.

As per argument on pg.12, that Girardot does not randomly assembling the phrases into a scrambled document. Girardot includes encoding which involves fragmenting the document and applicant acknowledges (on pg.10 of response 9/29/09) that Girardot randomly assembling the fragments into a scramble document and at the destination reassemble and reconstruct the document structure. Thus, Girardot reads on the

claimed randomly assembling the phrases into a scrambled document. Lui is combined with Girardot to teach the sentences and/or phrases are made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, Lui is not combined to suggest or teach assembling a document of any sort but to teach multiple words do exist in sentences/phrases.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girardot, et al. ( Efficient Representation and Streaming of XML Content Over the Internet Medium) and further in view of Lui, et al. (US 6,340,977).**

**As per claim 1:**

Girardot discloses a method for distributing secure digital content that can be indexed by third party search engines, the method comprising:

generating a text stream from the digital content by stripping all graphic information and punctuation from the digital content; (**pg.67-abstract and pg.68-3.**)

fragmenting the text stream into *[multi-word]* phrases that are each contained in the digital content; (pg.68-2.3 and pg.70-5.)

randomly assembling the phrases into a scrambled document such that the scrambled document contains at least nearly all of the words and at least most of the phrases as are contained in the digital content; and **(pg.68 and 69)**

making the scrambled document available to the third party search engines to permit indexing of the scrambled document that will result in an index that is comparable to an index that would result if the third party search engine indexed the digital content. (pg.69)

The claimed indexing that will result in an index comparable to another index is obviously the process of comparing and matching in order to obtain a result so as to obtain the document or digital content. Additionally, the claimed third party search engine can broadly be given as any server, system, or user that uses a computer for searching. It is obvious that Girardot is fragmenting the documents is likely to include phrases and multi-word phrases and as such are of digital content since this is all within the computing technology realm. However, did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or

constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are grammatically compatible and interchangeable according to a set of language rules. The Commentary Set may also include categories that are organized phrases that can be assembled in run time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously are made

up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Girardot with Luis to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

**As per claim 2:** See Lui on col.24, lines 6-9 and col.30, lines 35-66: discussing a method of claim 1 wherein step comprises parsing the text stream to generate a word stream and fragmenting the word stream into phrases, where each phrase contains at least two words.

**As per claim 3:** See Girardot on pg.68 and Luis on col.1, lines 34-40: discussing the method of claim 2 wherein the total number of words in a phrase is random.

**As per claim 4:** See Lui on col.24, lines 6-9 and col.30, lines 35-66: discussing the method of claim 3 wherein the total number of words in a phrase has a maximum of five words.

**As per claim 5:** See Girardot on pg.68 and Luis on col.24, lines 6-9 and col.30, lines 35-66; discussing the method of claim 1 wherein the randomly assembling step

comprises forming a stream of phrases and randomly swapping the position of phrases in the phrase stream.

**As per claim 6: See Girardot on col.1, lines 60-65 and col.3, lines 47-52:**

discussing the method of claim 1 further comprising: (e) returning the scrambled document content when the scrambled document is indexed by the third party search engines.

**As per claim 7: See Girardot on pg.69-70:** discussing a method of claim 6 wherein the returning step comprises examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

**As per claim 8: See Girardot on col.1, lines 19-24 and 59-65:** discussing the method of claim 6 further comprising: returning a link to an owner of the secure content when a browser links from the search engine to the indexed scrambled document.

**As per claim 9: See Girardot on pg.67-68:** discussing the method of claim 8 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and the returning a link step comprises running the script routine after the scrambled document content has been loaded into the browser.

**As per claim 10: See Girardot on pg.67-68:** discussing the method of claim 9 wherein the returning a link step comprises using the script routine to hide the scrambled text from a user.

**As per claim 11:**

Girardot discloses apparatus for distributing secure digital content that can be indexed by third party search engines, the apparatus comprising:



a stripper that generates a text stream from the digital content by stripping all graphic information and punctuation from the digital content; (pg.67-abstract and pg.68-3.)

means for fragmenting the text stream into [multi-word] phrases that are each contained in the digital content; (pg.68-2.3 and pg.70-5.)

a stream assembler that randomly assembles the phrases into a scrambled document such that the scrambled document contains at least nearly all of the words and at least most of the phrases as are contained in the digital content; and (pg.68 and 69)

means for making the scrambled document available to the third party search engines to permit indexing of the scrambled document that will result in an index that is comparable to an index that would result if the third party search engine indexed the digital content. (pg.68 and 69)

The claimed indexing that will result in an index comparable to another index is obviously the process of comparing and matching in order to obtain a result so as to obtain the document or digital content. Additionally, the claimed third party search engine can broadly be given as any server, system, or user that uses a computer for searching. It is obvious that Girardot is fragmenting the documents is likely to include phrases and multi-word phrases and as such are of digital content since this is all within the computing technology realm. However, did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an

application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are grammatically compatible and interchangeable according to a set of language rules. The Commentary Set may also include categories that are organized phrases that can be assembled in run time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or

files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously are made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Girardot with Luis to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

**As per claim 12: See Lui on col.24, lines 6-9 and col.30, lines 35-66:** discussing the apparatus of claim 11 wherein the means for fragmenting comprises a parser that parses the text stream to generate a word stream and a fragmented that fragments the word stream into phrases, where each phrase contains at least two words.

**As per claim 13: See Girardot on pg.67 and Luis on col.22, lines 64-67 and col.30, lines 35-66:** discussing the apparatus of claim 12 wherein the total number of words in a phrase is random.

**As per claim 14: See Lui on col.8, lines 44-47 and col.15, lines 49-53:** discussing the apparatus of claim 13 wherein the total number of words in a phrase has a maximum of five words.

**As per claim 15: See Girardot on col.2, lines 26-40 and col.3, lines 24-35:** discussing the apparatus of claim 11 wherein the stream assembler comprises means for forming a stream of phrases and means for randomly swapping the position of phrases in the phrase stream.

**As per claim 16: See Girardot on pg.68-69:** discussing the apparatus of claim 11 further comprising means for returning the scrambled document content when the scrambled document is indexed by the third party search engines.

**As per claim 17: See Girardot on col.3, lines 42-52 and col.4, lines 4-10:** discussing the apparatus of claim 16 wherein the means for returning the scrambled document content comprises means for examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

**As per claim 18: See Girardot on pg.67:** discussing the apparatus of claim 16 further comprising means for returning a link to an owner of the secure content when a browser links from the search engine to the indexed scrambled document.

**As per claim 19: See Girardot on pg.68-69:** discussing the apparatus of claim 18 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and the means for returning a link to an owner of the secure content comprises means for running the script routine after the scrambled document content has been loaded into the browser.

**As per claim 20: See Girardot on pg.67-68:** discussing the apparatus of claim 19 wherein the script routine comprises means for hiding the scrambled text from a user.

**As per claim 21:**

Girardot discloses a computer program product for distributing secure digital content that can be indexed by third party search engines, the computer program product comprising a computer usable medium having computer readable program code thereon, including:

program code for generating a text stream from the digital content by stripping all graphic information and punctuation from the digital content; (pg.67-abstract and pg.68-3.)

program code for fragmenting the text stream into *[multi-word]* phrases that are each contained in the digital content; (pg.68-2.3 and pg.70-5.)

program code for randomly assembling the phrases into a scrambled document such that the scrambled document contains at least nearly all of the words and at least most of the phrases as are contained in the digital content; and (pg.68 and 69)

program code for making the scrambled document available to the third party search engines to permit indexing of the scrambled document that will result in an index that is comparable to an index that would result if the third party search engine indexed the digital content. (pg.68 and 69)

The claimed indexing that will result in an index comparable to another index is obviously the process of comparing and matching in order to obtain a result so as to obtain the document or digital content. Additionally, the claimed third party search

engine can broadly be given as any server, system, or user that uses a computer for searching. It is obvious that Girardot is fragmenting the documents is likely to include phrases and multi-word phrases and as such are of digital content since this is all within the computing technology realm. However, did not clearly discuss multi-word phrases.

Lui, et al teaches the invention that relates to software for assisting users, and more particularly to a system and method for interactively assisting a user operating an application program (col.1, lines 17-20). Lui includes a Cooperative Help Assistance (CHA) system and method provides real-time user assistance for one or more window-based GUI applications or a single application's different subsections such as web pages (col.2, lines 35-40). Lui discloses the combined data and assembled or constructed data elements during sequence processing in new combinations where many elements such as Commentary i.e. language phrases expressed from the CHA system are combined during user actions and requests during the session with the Host Application (col.22, lines 55 - col.23, line 3). The Commentary Assembly Module does rapid sentence and phrase construction for non-essential data type (col.24, lines 6-9). Further, Lui discloses the CHA system includes a mechanism to assemble optional Commentary and provides feedback to the user and contributes to the learning experience (col.30, lines 35-47). The CHA system includes such a mechanism not only for providing such commentary, but also to create phrases and sentences dynamically to prevent the tedious repetition of phrases (col.30, lines 47-50). The assembly of commentary objects is performed by the Commentary Assembly Module where the Commentary data set may include different target categories of fragments that are

grammatically compatible and interchangeable according to a set of language rules.

The Commentary Set may also include categories that are organized phrases that can be assembled in run time into many different combinations to generate an extensive variety of phrases or expressions (col.30, lines 55-60). Lui discloses the Commentary sentences and phrases can be created and rendered according to the selected data format by concatenating ASCII text or assembling sound fragments as in a play list or files (col.30, lines 63-66). In addition, Lui discusses assembling these phrases at runtime has the distinct advantage of reducing data production and such assembling of phrases also contributes to the personality of the learning or interactive experience (col.31, lines 18-22). The sentences and/or phrases disclosed in Lui obviously are made up of multiple (more than one) words and sentences/phrases consist of more than one phrase (col.31, lines 38-40). Thus, reads on the claimed multi-word phrases.

Therefore, it would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine Girardot with Luis to teach a CHA system includes Commentary Assembly Module for rapid sentence and phrase construction (Lui-col.24, lines 6-9), that involves Commentary data set to generate an extensive variety of (multi-word) sentences and phrases and a mechanism to create phrases and sentences dynamically because to prevent the tedious repetition of phrases (Lui-col.30, lines 35-66) and has the distinct advantage of reducing data production (Lui-col.31, lines 18-40).

**As per claim 22: See Girardot on pg.68 and Luis on col.24, lines 6-9 and col.30, lines 35-66:** discussing the computer program product of claim 21 wherein the program

code for fragmenting the text stream comprises program code for parsing the text stream to generate a word stream and program code for fragmenting the word stream into phrases, where each phrase contains at least two words.

**As per claim 23: See Girardot on pg.67 and Luis on col.22, lines 64-67 and col.30, lines 35-66:** discussing the computer program product of claim 22 wherein the total number of words in a phrase is random.

**As per claim 24: See Lui on col.24, lines 6-9 and col.31, lines 38-40:** discussing the computer program product of claim 23 wherein the total number of words in a phrase has a maximum of five words.

**As per claim 25: See Girardot on pg.67**discussing the computer program product of claim 21 wherein the program code for randomly assembling the phrases into a scrambled document comprises program code for forming a stream of phrases and program code for randomly swapping the position of phrases in the phrase stream.

**As per claim 26: See Girardot on pg.68-69:** discussing the computer program product of claim 21 further comprising program code for returning the scrambled document content when the scrambled document is indexed by the third party search engines.

**As per claim 27: See Girardot on pg.67:** discussing the computer program product of claim 26 wherein the program code for returning the scrambled document content comprises program code for examining a user agent parameter to determine whether a search engine or a browser is requesting the scrambled document.

**As per claim 28: See Girardot on pg.67:** discussing the computer program product of claim 26 further comprising program code for returning a link to an owner of the secure



content when a browser links from the search engine to the indexed scrambled document.

**As per claim 29: See Girardot on pg.68-69:** discussing the computer program product of claim 28 wherein the scrambled document contains a script routine that loads a web page provided by the secure content owner and the program code for returning the scrambled document content comprises program code for running the script routine after the scrambled document content has been loaded into the browser.

**As per claim 30: See Girardot on pg.67:** discussing the computer program product of claim 29 wherein the script routine comprises program code for hiding the scrambled text from a user.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./  
Examiner, Art Unit 2435  
/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435